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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/678,407	10/03/2003	Teruhiko Fujisawa	MM4641	9999
7590 08/01/2008 LIEBERSTEIN, EUGENE WYATT, GERBER, MELLER & O'ROURKE, L.L.P. 99 PARK AVENUE NEW YORK, NY 10016				
EXAMINER MEHTA, NANCY T				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/678,407

Applicant(s)

FUJISAWA ET AL.

Examiner

NANCY MEHTA

Art Unit

3692

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 July 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S5108)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Status of Application

This office action is in response to the amendments and arguments filed by applicant on 07/08/2008.

- Claim 1 is amended
- Claim 6 is cancelled
- No claims are added
- Claims 1-5 and 7-20 are pending

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 – 5 and 7 – 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nel (2001/0002468) in view of Alberth Jr. et al. (7,206,847) and further in view of Yoshida (2002/0040340).

As per claim 1: Nel shows:

A data processing system for processing and storing information relating to purchases made by a credit card user having with one or more credit cards (Abstract, Summary,

[0088]: where the system and software in Nel enables a user to utilize the ATM machine to purchase products. The user will need to swipe the card in the card reader slot (6(a)) for the transaction to be able to proceed) comprising:

a portable storage device independent of the credit card used to make a credit card purchase, said storage device having a rewritable nonvolatile memory unit for storing credit card usage information of purchase transactions by the credit card user for each of said one or more credit cards (Page 4, [0096]: where the portable storage device is used to transfer information from one machine to another.)

although Nel shows a portable storage device (page 4, [0096]) and credit card account (Fig. 6(b) and 6(c)), Nel does not explicitly show "purchase transactions by the credit card user for each of said one or more credit card". Alberth shows "of purchase transactions by the credit card user for each of said one or more credit card" (Fig. 1, lines 15 – 24: where the system in Alberth utilizes a two part personal storage device, or a smart card, to store credit card numbers, bank account numbers, etc. This card would be utilized for storing information about one or more credit cards that would be utilized for making purchase transactions.). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of **Alberth** in the system of **Nel**, in order to enhance the security of personal data storage device (smart card) by providing to the smart card an additional layer of security in the form of an enabling key, which when coupled to the smart card enables the processor on the smart card to access and change storage information (column 1, lines 50 – 55: where the combination of the smart card information storage system to the system of Nel would

allow customers to utilize multiple cards and store pertinent information with added security against fraudulent practices and loss of data.).

a first data processing device for running a write process for generating card usage information for a payment made with a credit card when a credit card is used to make a purchase, and writing the credit card usage information to the portable storage device (Fig. 17: where the system (#100) shows an ATM (#112) capable of reading cards and processing information independently and in conjunction with the computer centers of various financial institutions (#122A – 122D). The processor on the ATM machine is the first data processing device); and

a second data processing device under the control of the credit card user comprising a processor for running a read process to read card usage information for each credit card written to the portable storage device (Fig. 17: where the system (#100) shows an ATM (#112) capable of reading cards and processing information independently and in conjunction with the computer centers of various financial institutions (#122A – 122D). The processor that interacts with the ATM machine to verify user identity, and then interact with the financial institution to confirm identity, would be the second processor. Since the user has the possession of the credit card, and the user would need to input information to verify his or her identity, the second data processing device would be under the credit card user's control. The second data processor being activated by the user swiping the card in the card reader involves exercising control over the activation of the processor.); and

although Nel shows an account, such as a credit card account, which would have a periodic billing statement, and payment deadlines ([0106]). Nel does not explicitly show "wherein the card usage information includes a payment deadline for the credit card used for purchases;

the second data processing device further comprises an input unit for specifying a billing month for the credit card,"

however, Yoshida shows "wherein the card usage information includes a payment deadline for the credit card used for purchases;" (such as Abstract, [0013], [0014], [0039], [0046], and [0065])

Yoshida also shows "the second data processing device further comprises an input unit for specifying a billing month for the credit card" (such as Abstract, [0013], [0014], [0039], [0046], and [0065]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of **Yoshida** in the device of **Nel**, in order to provide a transaction supporting method and apparatus that supports making payment of a transaction (Yoshida, ([0012]-[0013]: where the combination of Nel and Yoshida would allow the payment of transactions by customers to be made in a more timely manner.).

Nel further shows "the storage unit of the second data processing device further storing balance data for the settlement account" ([0096]: where the transaction-related information could be stored on portable storage device in Nel.), and

Nel also shows "wherein the processor of the second data processing device includes means for calculating the total of payment amounts included within the payment deadline in the billing month specified using the input unit, comparing the total of payment amounts included within the payment deadline in the specified billing month with the account balance, and determining and reporting if the settlement amount due from the settlement account can be debited" (Fig. 6(b) and 6(c), [0106]: where system verifies the validity of the transaction, for instance, to check for sufficient balance in the account making the transaction payment.).

As per claim 2: Nel shows:

A data processing system according to claim 1 further comprising means for enabling the portable storage device to communicate wirelessly with said first and/or second data processing [[portable storage]] device (Page 4, [0096]: where the portable storage device is used to transfer information from one machine to another. Since a smart card is a portable storage device that the disclosure in Nel is able to use, the user may use wireless smart cards to communicate wirelessly with the first and second data processing devices.).

As per claim 3: Nel shows:

A data processing system according to claim 2, wherein the card usage information includes a payment amount and credit card number for the credit card used to make a purchase; and wherein the processor of the second data processing device executes a

transaction management process based on the card usage information read by the read process for grouping and sorting payment amounts by credit card number and for executing a calculation process for calculating totals for the sorted payment amounts (Page 1, [0009]: wherein a transaction is processed by automatically initiating payment by the purchaser for the amount equal to the value of the transaction. Fig. 14 (a) – 16 (a): where the customer account is verified. Page 5, [0105]: wherein the card is inserted at the ATM, in order to access user's account information, the transaction system (#10) then asks the user to verify the PIN or the access code. Once the transaction is confirmed the transaction information is then transmitted to the vendor database where it is stored and used to update the system. This updating process involves sorting of the transaction information based on product criteria.).

As per claim 4: Nel shows:

A data processing system according to claim 3, wherein the card usage information further includes a payment deadline for the credit card used for purchases;

and the second data processing device further comprises an input unit for specifying a billing month for the credit card,

wherein the processor of the second data processing device includes means for calculating the total of payment amounts included within the payment deadline in the billing month specified using the input unit.

(Page 5, [0106]: where if the purchaser does not have enough fund in his or her account, the purchaser is given an opportunity to utilize his or her credit card account(s)

Art Unit: 3692

for making payments. Such credit card account(s) has payment deadline, and monthly billing processes. The billing process involves calculation of the total payment amount included within the billing month specified.

Page 5, [0110]: where if the purchaser does not have enough fund in his or her account, the purchaser is given an opportunity to utilize credit facilities based on credit evaluation criteria. Such credit facilities have payment deadlines, and monthly billing processes. The billing process involves calculation of the total payment amount included within the billing month specified.).

As per claim 5: Nel shows:

A data processing system according to claim 2, wherein the card usage information includes a payment amount and credit card number for the credit card used to make a purchase; and

the second data processing device further comprises a storage unit for storing an account number for a settlement account for the credit card used for purchases, and

wherein the processor of the second data processing device executes a transaction management process based on the card usage information read by the read process for grouping and sorting payment amounts by the account number and executes a calculation process for calculating totals for the sorted payment amounts.

(Page 1, [0009]: wherein a transaction is processed by automatically initiating payment by the purchaser for the amount equal to the value of the transaction. Page 5, [0105]:

wherein the card is inserted at the ATM, in order to access user's account information, the transaction system (#10) then asks the user to verify the PIN or the access code. Once the transaction is confirmed the transaction information is then transmitted to the vendor database where it is stored and used to update the system. This updating process involves sorting of the transaction information based on product criteria. Fig. 17: where the system (#100) shows an ATM (#112) capable of reading cards and processing information independently and in conjunction with the computer centers of various financial institutions (#122A – 122D). The processors on the computer centers of various financial institutions are the second data processing devices. (Page 2, [0048]: These processors store transaction information that involves the financial institution for various customers. Page 5, [0105]: wherein the card is inserted at the ATM, in order to access user's account information, the transaction system (#10) then asks the user to verify the PIN or the access code. Once the transaction is confirmed the transaction information is then transmitted to the vendor database where it is stored and used to update the system. This updating process involves sorting of the transaction information based on product criteria. The financial institutions need to perform calculations in order to process customer's financial transactions and to be able to provide customers with periodic bank statements.)

As per claim Z: Nel shows:

A data processing system according to claim 1, wherein the portable storage device includes means for contactlessly reading and writing the card usage information from said first data processing device and said second data processing device respectively

Art Unit: 3692

(Page 2, [0057]: wherein the data input means includes an optical reading device that performs transaction related functions.).

As per claim 8: Nel shows:

A data processing system according to claim 3, wherein the card usage information includes a product name for which payment was made or a store name to which payment was made, and

wherein the second data processing device includes means for printing or displaying the product name or store name and payment amount read from the portable storage device (Fig. 6c: where the product chosen is confirmed. Fig. 16 (a): where the user is requested to enter product and other relevant information in order to carry out the transaction successfully.).

As per claim 9: Nel shows:

A data processing system according to claim 8, wherein the card usage information includes information relating to the payment method of the credit card used to make a purchase, and

wherein the second data processing device includes means for printing or displaying the payment method and payment amount read from the portable storage device (Fig. 14 (a) – 16 (a): where the customer account is verified; any additional information pertaining to the transaction is also requested to be entered in order to

ensure that the transaction can be carried out accurately, this includes specifying payment method (i.e. credit card, line of credit, etc.) and payment amount.).

Claims 10-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nel (2001/0002468) in view of Alberth Jr. et al. (7,206,847).

As per claim 10: Nel shows:

A data processing method for use by a credit card user having one or more credit cards comprising the steps of:

although Nel shows a portable storage device (page 4, [0096]) and credit card account (Fig. 6(b) and 6(c)), Nel does not explicitly show "for use by a credit card user having one or more credit cards ". Alberth shows "for use by a credit card user having one or more credit cards " (Fig. 1, lines 15 – 24: where the system in Alberth utilizes a two part personal storage device, or a smart card, to store credit card numbers, bank account numbers, etc. This card would be utilized for storing information about one or more credit cards that would be utilized for making purchase transactions.). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of **Alberth** in the system of **Nel**, in order to enhance the security of personal data storage device (smart card) by providing to the smart card an additional layer of security in the form of an enabling key, which when coupled to the smart card enables the processor on the smart card to access and change storage information (column 1, lines 50 – 55: where the combination of the smart card

information storage system to the system of Nel would allow customers to utilize multiple cards and store pertinent information with added security against fraudulent practices and loss of data.).

providing the credit card user with a portable storage device having a rewritable nonvolatile memory unit for storing card usage information for one or more credit cards used to make a purchase, with the portable storage device being independent of the credit cards (Page 4, [0096]: where the portable storage device is used to transfer information from one machine to another.);

generating card usage information for a payment made with one of said credit cards when a credit card is used to make a purchase (Page 1, [0028]: where a record is printed and maintained as proof of a transaction.);

writing the card usage information to the portable storage device (Page 4, [0096]: where the portable storage device is used to transfer information from one machine to another.);

reading the card usage information for each credit card written to the portable storage device (Page 4, [0096]: where the portable storage device is used to transfer information from one machine to another.); and

running a transaction management process under the control of the card user based on the read card usage information (Page 4, [0096]: where the portable storage device is used to transfer information from one machine to another. A transaction requires the writing, reading, and running function to be successfully stored or

transferred into a portable storage device, like a smart card. Since the user has the possession of the credit card, and the user would need to input information to verify his or her identity in order for the transaction to proceed, the user exercises control over the transaction management process. The process is activated by the user swiping the card in the card reader; this involves exercising control over the activation of the processor.).

As per claim 11: Nel shows:

A data processing method according to claim 10, wherein the card usage information includes a payment amount and credit card number for the credit card used to make a purchase; and

the transaction management process executes a sorting process for grouping payment amounts by credit card number and a calculation process for calculating totals for the sorted payment amounts.

(Page 1, [0009]: wherein a transaction is processed by automatically initiating payment by the purchaser for the amount equal to the value of the transaction. Fig. 14 (a) – 16 (a): where the customer account is verified. Page 5, [0105]: wherein the card is inserted at the ATM, in order to access user's account information, the transaction system (#10) then asks the user to verify the PIN or the access code. Once the transaction is confirmed the transaction information is then transmitted to the vendor database where it is stored and used to update the system. This updating process involves sorting of the transaction information based on product criteria. The use of a portable storage medium may be made for transfer of information from one entity to another.)

Art Unit: 3692

As per claim 12: Nel shows:

A data processing method according to claim 11, wherein the card usage information further includes a payment deadline for the credit card used for purchases; and

the transaction management process calculates the total of payment amounts included within the payment deadline in a billing month specified by an operator.

(Page 5, [0106]: where if the purchaser does not have enough fund in his or her account, the purchaser is given an opportunity to utilize his or her credit card account(s) for making payments. Such credit card account(s) has payment deadline, and monthly billing processes. The billing process involves calculation of the total payment amount included within the billing month specified.

Page 5, [0110]: where if the purchaser does not have enough fund in his or her account, the purchaser is given an opportunity to utilize credit facilities based on credit evaluation criteria. Such credit facilities have payment deadlines, and monthly billing processes. The billing process involves calculation of the total payment amount included within the billing month specified.).

As per claim 13: Nel shows:

A data processing method according to claim 10, wherein the card usage information includes a payment amount and credit card number for the credit card used to make a purchase,

the account number of a settlement account for the credit card used to make a purchase is pre-stored, and

the transaction management process executes a sorting process for grouping payment amounts by account number, and a calculation process for calculating totals for the sorted payment amounts.

(Page 1, [0009]: wherein a transaction is processed by automatically initiating payment by the purchaser for the amount equal to the value of the transaction. Fig. 14 (a) – 16 (a): where the customer account is verified. Page 5, [0105]: wherein the card is inserted at the ATM, in order to access user's account information, the transaction system (#10) then asks the user to verify the PIN or the access code. Once the transaction is confirmed the transaction information is then transmitted to the vendor database where it is stored and used to update the system. This updating process involves sorting of the transaction information based on product criteria.

Fig. 1: shows a transaction system (#10) where a transaction between a vendor and a purchaser is performed, where an ATM (#12) may be utilized to make payments. In this case, the use of ATM (#12) necessitates the pre-establishment and storage of an account.).

As per claim 14: Nel shows:

A data processing method according to claim 13, wherein the card usage information further includes a payment deadline for the credit card used for purchases; and

the transaction management process calculates the total of payment amounts included within the payment deadline in the billing month specified by the operator,

receives the account balance of the settlement account for the credit card used for purchases,

compares the total of payment amounts included within the payment deadline in the specified billing month with the account balance, and

determines and reports if the settlement amount due from the settlement account can be debited.

(Page 5, [0106]: where if the purchaser does not have enough fund in his or her account, the purchaser is given an opportunity to utilize his or her credit card account(s) for making payments. Such credit card account(s) has payment deadline, and monthly billing processes. The billing process involves calculation of the total payment amount included within the billing month specified.

Page 5, [0110]: where if the purchaser does not have enough fund in his or her account, the purchaser is given an opportunity to utilize credit facilities based on credit evaluation criteria. Such credit facilities have payment deadlines, and monthly billing processes. The billing process involves calculation of the total payment amount included within the billing month specified.

Fig. 6(b), [0106]: shows a check procedure to verify that an account from which funds are to be transferred has sufficient funds. In order to access the sufficiency of funds in

Art Unit: 3692

an account, the system has to calculate the total payment to be made by the customer, the amount of funds in the account utilized for making the payment, and then compare the two to make sure that the account has enough funding to be able to make the payment.).

As per claim 15: Nel shows:

A computer-readable recording medium accessible to a credit card user for storing a computer program which implements a data processing method in a data processing device for reading and writing information to a portable storage device having a rewritable nonvolatile memory unit for storing credit card usage information for each one or more credit cards of said credit card user when used to make a purchase with said computer program including a read program to implement a read process for

reading card usage information from the portable storage device representative or purchases made by one or more of said credit cards ((Page 4, [0096]: where the portable storage device is used to transfer information from one machine to another.); and

including a transaction management program under the sole control of the credit card user for implementing the running of a transaction management process based on card usage information read by the read process.

(Page 4, [0096]: where the portable storage device is used to transfer information from one machine to another. Page 1, [0028]: where a record is printed and maintained as proof of a transaction. A transaction requires the writing, reading, and running function

to be successfully stored or transferred into a portable storage device, like a smart card. Since the user has the possession of the credit card, and the user would need to input information to verify his or her identity in order for the transaction to proceed, the user exercises control over the transaction management process. The process is activated by the user swiping the card in the card reader; this involves exercising control over the activation of the processor.).

As per claim 16: Nel shows:

A computer-readable recording medium according to claim 15 wherein the card usage information includes a payment amount and credit card number for the credit card used to make a purchase; and

wherein the transaction management process runs a sorting process for grouping payment amounts by credit card number and a calculation process for calculating totals for the sorted payment amounts.

(Page 4, [0096]: where the portable storage device is used to transfer information from one machine to another. Page 1, [0028]: where a record is printed and maintained as proof of a transaction. A transaction requires the writing, reading, and running function to be successfully stored or transferred into a portable storage device, like a smart card. Page 1, [0009]: wherein a transaction is processed by automatically initiating payment by the purchaser for the amount equal to the value of the transaction. Fig. 14 (a) – 16 (a): where the customer account is verified. Page 5, [0105]: wherein the card is inserted at the ATM, in order to access user's account information, the transaction system (#10)

then asks the user to verify the PIN or the access code. Once the transaction is confirmed the transaction information is then transmitted to the vendor database where it is stored and used to update the system. This updating process involves sorting of the transaction information based on product criteria. The use of a portable storage medium may be made for transfer of information from one entity to another.)

As per claim 17: Nel shows:

A computer-readable recording medium according to claim 15 wherein the card usage information includes a payment amount and credit card number for the credit card used to make a purchase; and

wherein the transaction management process runs a sorting process for grouping payment amounts by the account numbers of the settlement accounts for the credit cards used for purchases, and a calculation process for calculating totals for the sorted payment amounts.

((Page 1, [0009]: wherein a transaction is processed by automatically initiating payment by the purchaser for the amount equal to the value of the transaction. Fig. 14 (a) – 16 (a): where the customer account is verified. Page 5, [0105]: wherein the card is inserted at the ATM, in order to access user's account information, the transaction system (#10) then asks the user to verify the PIN or the access code. Once the transaction is confirmed the transaction information is then transmitted to the vendor database where it is stored and used to update the system. This updating process involves sorting of the transaction information based on product criteria.

Fig. 1: shows a transaction system (#10) where a transaction between a vendor and a purchaser is performed, where an ATM (#12) may be utilized to make payments. In this case, the use of ATM (#12) necessitates the pre-establishment and storage of account information.).

As per claim 18: Nel shows:

A data processing device accessible for use by a credit card user having one or more credit cards for processing and managing credit card usage of the credit card user based upon credit card information stored in a rewritable nonvolatile memory of a portable credit card device provided to said credit card user independent of said credit cards wherein the data processing device comprises a processor for running a read process to read card usage information from said portable credit card device for said one or more credit cards when used by the credit card user to make a card purchase.

(Page 1, [0009]: wherein a transaction is processed by automatically initiating payment by the purchaser for the amount equal to the value of the transaction. Page 5, [0105]: wherein the card is inserted at the ATM, in order to access user's account information, the transaction system (#10) then asks the user to verify the PIN or the access code. Once the transaction is confirmed the transaction information is then transmitted to the vendor database where it is stored and used to update the system. This updating process involves sorting of the transaction information based on product criteria. Fig. 17: where the system (#100) shows an ATM (#112) capable of reading cards and processing information independently and in conjunction with the computer centers of

various financial institutions (#122A – 122D). The processors on the computer centers of various financial institutions are the second data processing devices. Page 2, [0048]: These processors store transaction information that involves the financial institution for various customers. The financial institutions need to perform calculations in order to process customer's financial transactions and to be able to provide customers with periodic bank statements.).

As per claim 19: Nel shows:

A data processing device according to claim 18, wherein the card usage information includes a payment amount and credit card number for the credit card used to make a purchase; and

wherein the processor of said data processing device executes a transaction management process based on the card usage information read by the read process for grouping and sorting payment amounts by credit card number and for executing a calculation process for calculating totals for the sorted payment amounts.

(Page 1, [0009]: wherein a transaction is processed by automatically initiating payment by the purchaser for the amount equal to the value of the transaction. Page 5, [0105]: wherein the card is inserted at the ATM, in order to access user's account information, the transaction system (#10) then asks the user to verify the PIN or the access code. Once the transaction is confirmed the transaction information is then transmitted to the vendor database where it is stored and used to update the system. This updating process involves sorting of the transaction information based on product criteria. Fig.

17: where the system (#100) shows an ATM (#112) capable of reading cards and processing information independently and in conjunction with the computer centers of various financial institutions (#122A – 122D). The processors on the computer centers of various financial institutions are the second data processing devices. Page 2, [0048]: These processors store transaction information that involves the financial institution for various customers. The financial institutions need to perform calculations in order to process customer's financial transactions and to be able to provide customers with periodic bank statements.).

As per claim 20: Nel shows:

A data processing device according to claim 19, wherein the card usage information further includes a payment deadline for the credit card used for purchase; and

the data processing device further comprise an input unit for specifying a billing month for the credit card (Abstract, Summary: where the transactions performed by the user will be billed to the user on a periodic basis.). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Nel with the ability to allow users to select the billing month for the credit card payment so that the user could exercise discretion on when it might be the best for him/her to pay the bill from a financial stand point.),

wherein the processor of the data processing device includes means for calculating the total of payment amounts included within the payment deadline in the billing month specified using the input unit ([0102], [0113]: where Nel shows a totalizer).

Response to Arguments

Argument #1

Applicant's arguments, recite that "applicant has voluntarily elected to further amend claim 1 by incorporating the features of claim 6, where in the credit card usage information includes information involving a payment deadline for each credit card used for making purchases and wherein the second data processing device further comprises an input unit for specifying the billing month for each credit card. In addition, the storage unit of the second data processing device also stores balance data for the settlement account and wherein the processor of the second data processing device also includes means for calculating the total of payment amounts included within the payment deadline in the billing month specified using the input unit and compares the total of payment amounts included in the payment deadline in the specified billing month with the account balance and for determining and reporting the settlement amount due from the settlement account can be debited.

Clearly, there is nothing in the teaching of Nel which would enable Nel or any other cited reference disclosing these features. Accordingly, claim 1 and its dependent claims are now clearly patentable over the cited prior art.

Response to Argument #1

The examiner respectfully disagrees. Applicant's arguments have been fully considered but are not persuasive.

The examiner notes that the applicant's arguments are moot in view of the amendments made to the claim language. The applicant's amendments have necessitated new grounds of rejection. Please see rejection above for details.

However, the examiner would like to address applicant's arguments so that the clarity of the previous rejection can be maintained. Nel shows an account, such as a credit card account which is used to make payments for purchase transactions ([0106]). A credit card account would have a periodic billing statement, and the card that is used to charge transactions would have payment deadlines. Thus, the examiner would like to maintain that the limitations amended do not distinguish the claimed invention from the cited prior art.

As the remaining claims depend directly or indirectly from the amended independent claims, the examiner maintains that Nel, Alberth, and Yoshida either in obvious combination or individually clearly teach all limitations argued and presented by the applicant in the claims as currently they have been amended.

Furthermore, examiner would like to note the following discussion of Official Notice taken from the MPEP:

To adequately traverse such a finding, an applicant must specifically point out the supposed errors in the examiner's action, which would include stating why the noticed fact is not considered to be common knowledge or well-known in the art. See 37 CFR 1.111(b). See also *Chevenard*, 139 F.2d at 713, 60 USPQ at 241 ("[I]n the absence of any demand by appellant for the examiner to produce authority for his statement, we will not consider this contention."). A general allegation that the claims define a patentable invention without any reference to the examiner's assertion of official notice would be inadequate. If applicant adequately traverses the examiner's assertion of official notice, the examiner must provide documentary evidence in the next Office action if the rejection is to be maintained. See 37 CFR 1.104(c)(2). See also *Zurko*, 258 F.3d at 1386, 59 USPQ2d at 1697 ("[T]he Board [or examiner] must point to some concrete evidence in the record in support of these findings" to satisfy the substantial evidence test). If the examiner

Art Unit: 3692

is relying on personal knowledge to support the finding of what is known in the art, the examiner must provide an affidavit or declaration setting forth specific factual statements and explanation to support the finding. See 37 CFR 1.104(d)(2). If applicant does not traverse the examiner's assertion of official notice or applicant's traverse is not adequate, the examiner should clearly indicate in the next Office action that the common knowledge or well-known in the art statement is taken to be admitted prior art because applicant either failed to traverse the examiner's assertion of official notice or that the traverse was inadequate. If the traverse was inadequate, the examiner should include an explanation as to why it was inadequate. (MPEP § 2144.03(C))

The examiner would like to note the above discussion of MPEP on Official Notice in order to inform the applicant that any Official Notice in previous Office Correspondence(s) will be considered to be admitted prior art, because Applicant's traversal was inadequate.

Examiner's Note:

Examiner has pointed out particular references contained in the prior arts of record in the body of this action for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the response, to consider fully the entire references as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Canelones; Dawn Marie et al. (US 6802007) Privacy and security

for smartcards in a method, system and program. Owurowa, Fori et al. (US 20040103000) Portable system and method for health information storage, retrieval, and management.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NANCY MEHTA whose telephone number is (571)270-3265. The examiner can normally be reached on Monday - Friday 9:00 am - 5:00 pm, alt. Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Abdi can be reached on 571-272-6702. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Art Unit: 3692

Nancy Mehta

/Nga B. Nguyen/

Primary Examiner, Art Unit 3692